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8 Attorneys for Plaintiff
FACEBOOK, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN FRANCISCO DIVISION
13

14 FACEBOOK, INC.,

15 Plaintiffs,

16 v.

17 POWER VENTURES, INC. a Cayman Island
Corporation,; STEVE VACHANI, an
18 individual; DOE 1, d/b/a POWER.COM,
19 DOES 2-25, inclusive,

20 Defendants.
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Case No. 5:08-cv-05780 JW (JCS)

**DECLARATION OF THERESA
SUTTON IN SUPPORT OF
PLAINTIFF FACEBOOK, INC.'S
OPPOSITION TO DEFENDANTS'
MOTION FOR SUMMARY
JUDGMENT**

Date: January 23, 2012
Time: 9:00 A.M.
Dept: Courtroom 9, 19th Floor
Judge: Hon. Chief Judge James Ware

1 I, Theresa Sutton, declare as follows:

2 1. I am a partner with the firm of Orrick, Herrington & Sutcliffe LLP, counsel of
3 record for Plaintiff Facebook, Inc. I make this declaration in support of Facebook's Opposition to
4 Defendants' Motion for Summary Judgment. I make this declaration of my own personal
5 knowledge and, if called as a witness, I could and would testify competently to the truth of the
6 matters set forth herein.

7 2. Attached hereto as **Exhibit 1** is a true and correct copy of relevant excerpts from
8 the July 20, 2011, deposition transcript of Defendant Steve Vachani. **[DESIGNATED HIGHLY**
9 **CONFIDENTIAL]**

10 3. Attached hereto as **Exhibit 2** is a true and correct copy of a Power production
11 document Bates numbered Power 2011.03.03 000089 - Power 2011.03.03 000089.
12 **[DESIGNATED HIGHLY CONFIDENTIAL]**

13 4. Attached hereto as **Exhibit 3** is a true and correct copy of relevant excerpts from
14 the February 17, 2011, deposition transcript of Craig Clark.

15 5. Attached hereto as **Exhibit 4** is a true and correct copy of relevant excerpts from
16 Defendant Power Ventures, Inc.'s Responses to Facebook, Inc.'s First set of Requests for
17 Admissions, served December 15, 2010.

18 I declare under penalty of perjury that the foregoing is true and correct to the best of my
19 knowledge. Executed this 2nd day of December 2011 at Menlo Park, California.

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21 /s/ Theresa Sutton /s/
22 **THERESA SUTTON**
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